

**Duane Morris**

*FIRM and AFFILIATE OFFICES*

MICHAEL CHARTAN  
DIRECT DIAL: +1 212 692 1016  
PERSONAL FAX: +1 212 253 4271  
E-MAIL: mlchartan@duanemorris.com

www.duanemorris.com

NEW YORK  
LONDON  
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MEXICO CITY  
ALLIANCE WITH  
MIRANDA & ESTAVILLO

October 11, 2013

BY FAX (212) 805-0224

Honorable Paul G. Gardephe  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Lockheed Martin Corporation, et al. v. MTA, et al.  
Civil Action No.: 09 Civ. 04077 (PGG)**

Dear Judge Gardephe:

We represent Plaintiff Lockheed Martin Corporation ("Lockheed Martin") in the above-referenced matter. As per the October 8, 2013 letter application from counsel for Defendants MTA Capital Construction Company and Metropolitan Transportation Authority (collectively "MTA"), granted by this Court, the parties will electronically bundle file the motions for partial for summary judgment on Tuesday October 15, 2013.

Due to file size and formatting, three (3) exhibits (Exs. "LM138," "LM139," and "LM152"), submitted in support of Lockheed Martin's motion for partial summary judgment and opposition to MTA's motion for partial summary judgment, cannot be reasonably scanned or printed. Therefore, pursuant to the Southern District of New York Electronic Case Filing Rules & Instructions § 5 (Revised August 1, 2013), we request that only these exhibits be served and filed by delivering to the Court and all counsel a separate disc containing the exhibits, and indicating such non-electronic filing on placeholder page inserts in the electronically filed set of exhibits. Such exhibits have also been included on the disc provided to the Court on September 13, 2013 with the courtesy copies of Lockheed Martin's moving and opposition papers.

DUANE MORRIS LLP

1540 BROADWAY NEW YORK, NY 10036-4086  
DM1\4249293.1

PHONE: +1 212 692 1000 FAX: +1 212 692 1020

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Thank you for your attention to this matter.

Respectfully submitted,



Michael Chartan (MC 4609)

MC/NW/rcv

cc: Via email

Ira J. Lipton, Esq. (Hoguet, Newman Regal and Kenney, LLP, for MTA)  
Adam Friedman, Esq. (Wolff & Samson P.C., for the Sureties)